



GAU 1642

## MAILING CERTIFICATE

Thereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage  
as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231 on  
July 18, 2001 by Kay Bulen

Print Name

Signature

#1  
GMD  
8/4/01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Doherty and Clinton

RECEIVED

Serial No.: 09/506,079

JUL 27 2001

Filed: February 16, 2000

TECH CENTER 1600/2900

For: HER-2 BINDING ANTAGONISTS

Examiner: J. Hunt

Art Unit: 1642

Docket No.: 49321-16

Date: July 18, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. §1.48, applicants respectfully petition the Commissioner to amend the above-identified patent application to name the actual inventors. Pursuant to 37 C.F.R. §1.48(a) et seq., applicants attach hereto:

- (1) A statement from **Adam Evans** and **William D. Henner**, who are being added as joint inventors, that the inventorship error occurred without any deceptive intention on their parts;
- (2) A statement from **Joni Kristin Doherty**, who is being deleted as joint inventor, that the inventorship error occurred without any deceptive intention on her part;
- (3) A Declaration and Power of Attorney from **Gail Clinton, Adam Evans and William D. Henner**, joint inventors;
- (4) The fee set forth in 37 C.F.R. §1.17(i);

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130.00 OP

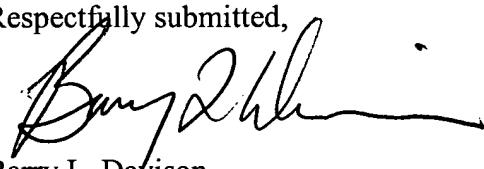
(5) A statement from **OREGON HEALTH & SCIENCE UNIVERSITY, PORTLAND, OREGON**, the sole ASSIGNEE of the parties submitting statements under 37 C.F.R. §1.48(a)(1), consenting to the change of inventorship in the patent application, said statement being in compliance with 37 C.F.R. §3.73(b);

(6) A STATEMENT UNDER 37 C.F.R. §3.73(b) specifying evidence of the chain of title from the original inventors **Gail M. Clinton, Adam Evans and William D. Henner** to the above-named ASSIGNEE; and a

(7) True copy of an assignment from **Gail M. Clinton, Adam Evans and William D. Henner**, joint inventors under the present PETITION (Note: this assignment has been submitted, under separate cover, to the Assignment Division for recordation in accordance with 37 C.F.R. Part 3).

Applicants have enclosed a check for \$130.00 to cover the fee. Please charge any additional amounts due and credit any overpayments to Deposit Account No. 04-0258 of Davis Wright Tremaine LLP.

Respectfully submitted,



Barry L. Davison  
Attorney for Applicants  
Registration No. 47,309

Davis Wright Tremaine LLP  
2600 Century Square, 1501 Fourth Avenue  
Seattle, WA 98101-1688  
Tel: (206) 622-7621  
Fax: (206) 628-7699



Attorney Docket No. 49321-16

**ASSIGNEE'S STATEMENT OF AGREEMENT  
TO CHANGE OF INVENTORSHIP  
[ 37 CFR 1.48(a)(4) ]**

Title of Invention: **HER-2 BINDING ANTAGONISTS**

Serial No. 09/506,079

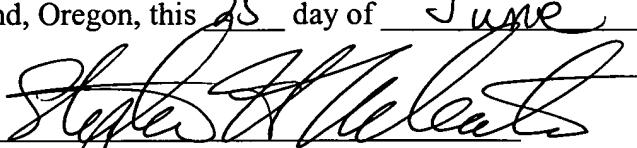
Filed on February 16, 2000

As the sole assignee of the parties submitting a statement or declaration pursuant to 37 CFR §§1.48(a)(1) and (a)(2) in support of the present PETITION TO CORRECT INVENTORSHIP IN PATENT APPLICATION, **OREGON HEALTH SCIENCES UNIVERSITY**, a public corporation under the laws of the State of Oregon, having administrative offices at 3181 SW Sam Jackson Park Road, Portland, Oregon 97201-3098 (hereinafter referred to as ASSIGNEE), hereby states in accordance with 37 CFR §1.48(a)(4) that we agree to the change of inventorship, adding **Adam Evans** and **William D. Henner**, and deleting **Joni Kristi Doherty**, as joint inventors of the subject matter which is claimed in the above-identified patent application;

AND, WHEREAS, the sole ASSIGNEE seeks to take action in this matter before the Office, and is desirous of acquiring the entire right, title and interest in the invention described in the said patent application, ASSIGNEE, in compliance with 37 CFR §3.73(b), attaches hereto a STATEMENT UNDER 37 CFR 3.73(b) specifying evidence of the chain of title from the original inventor(s), to ASSIGNEE, along with documentary evidence of assignments from Gail M. Clinton, and from Adam Evans and William D. Henner who are being added as joint inventors under the present PETITION.

ASSIGNEE: **OREGON HEALTH SCIENCES UNIVERSITY**  
3181 SW Sam Jackson Park Road  
Portland, Oregon 97201-3098

Executed in Portland, Oregon, this 25<sup>th</sup> day of June, 2001.

  
Stephen H. Mastin, Ph.D.  
Sr. Licensing Executive  
Technology and Research Collaborations, L335  
Oregon Health and Science University



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STATEMENT UNDER 37 CFR 3.73(b)

Applicants: Gail M. Clinton, Adam Evans and William D. Henner

Application No.: 09/506,079 Filed: February 16, 2000

For: **HER-2 BINDING ANTAGONISTS**

OREGON HEALTH SCIENCES UNIVERSITY, Portland, Oregon 97201-3098

(Name of Assignee)

public corporation under the laws of the State of Oregon,

(Type of Assignee)

certifies that it is the sole assignee to the entire right, title and interest in the patent application identified above by virtue of either:

A.  An assignment of the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

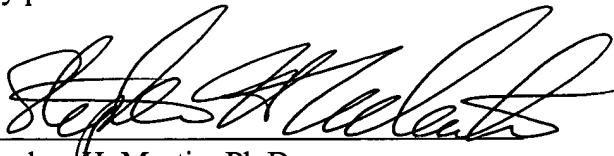
True copies of assignments or other documents in the chain of title are attached hereto.

[Note: Separate copies (*i.e.*, original or true copies of original) have been submitted to the Assignment Division in accordance with 37 CFR Part 3, for recordation in PTO records. See MPEP 302-302.8]

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.



Stephen H. Mastin, Ph.D.  
Sr. Licensing Executive  
Technology & Research Collaborations  
Oregon Health and Science University

Date: June 25, 2001



Attorney Docket No. 49321-16

**STATEMENT OF INVENTORSHIP ERROR  
IN ABSENCE OF DECEPTIVE INTENT  
[ 37 CFR 1.48 ]**

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Title of Invention: **HER-2 BINDING ANTAGONISTS**

JUL 27 2001

Serial No. 09/506,079;

TECH CENTER 1600/2900

Filed on February 16, 2000;

As the below-named joint inventor of the subject matter which is claimed in the patent application identified above, I hereby state in accordance with 37 CFR 1.48(a)(1) that the inventorship error of including **Joni Kristin Doherty** as joint inventor of the patent occurred without any deceptive intention on the part of the applicant.

Inventor: Joni Kristin Doherty  
Address: 1914 California Avenue  
Residence: Santa Monica, CA 90403  
Citizenship: Residence: Santa Monica, California, USA  
Citizenship: United States

Signature of Inventor:

  
\_\_\_\_\_  
Joni Kristin Doherty

Date signed:

\_\_\_\_\_  
4/14/01



Attorney Docket No. 49321-16

**STATEMENT OF INVENTORSHIP ERROR  
IN ABSENCE OF DECEPTIVE INTENT  
[ 37 CFR 1.48 ]**

Title of Invention: **HER-2 BINDING ANTAGONISTS**

Serial No. 09/506,079;

Filed on February 16, 2000;

As the below-named joint inventors of the subject matter which is claimed in the patent application identified above, we hereby state in accordance with 37 CFR 1.48(a)(1) that the inventorship error of failing to include **Adam Evans** and **William D. Henner** as joint inventors of the patent occurred without any deceptive intention on the part of the applicants.

Inventor: Adam Evans  
Address: 7414 SE 18<sup>th</sup> Avenue  
Residence: Portland, OR 97202  
Citizenship: Portland, Oregon, USA  
United States

Inventor: William D. Henner  
Address: 1050 Coralan Avenue  
Residence: Apt. 210  
Burlingame, CA 94010  
Citizenship: Burlingame, California, USA  
United States

Signature of Inventors: Date signed:

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Adam Evans

  
\_\_\_\_\_  
William D. Henner

  
\_\_\_\_\_  
April 2, 2001



Attorney Docket No. 49321-16

**STATEMENT OF INVENTORSHIP ERROR  
IN ABSENCE OF DECEPTIVE INTENT  
[ 37 CFR 1.48 ]**

Title of Invention: **HER-2 BINDING ANTAGONISTS**

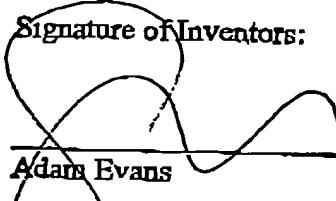
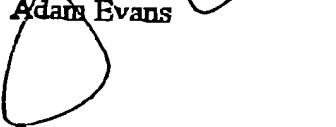
Serial No. 09/506,079;

Filed on February 16, 2000;

As the below-named joint inventors of the subject matter which is claimed in the patent application identified above, we hereby state in accordance with 37 CFR 1.48(a)(1) that the inventorship error of failing to include Adam Evans and William D. Henner as joint inventors of the patent occurred without any deceptive intention on the part of the applicants.

Inventor: Adam Evans  
Address: 7414 SE 18<sup>th</sup> Avenue  
Residence: Portland, OR 97202  
Citizenship: Portland, Oregon, USA  
United States

Inventor: William D. Henner  
Address: 1050 Carolan Avenue  
Residence: Apt. 210  
Burlingame, CA 94010  
Citizenship: Burlingame, California, USA  
United States

Signature of Inventors:  
  
Adam Evans  
  
William D. Henner

Date signed:

7/16/01



Docket No. 49321-16

## DECLARATION AND POWER OF ATTORNEY

As the below-named inventors, we declare that we are the original, first, and joint inventors of the subject matter which is claimed in the specification identified below and for which a patent is sought on the invention as titled therein. We hereby state that we have reviewed the contents of said specification, including the claims. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56.

Inventor: Gail M. Clinton

Address: 3040 SW Beaverton Avenue  
Portland, OR 97201

Residence: Portland, Oregon

Citizenship: USA

Inventor: Adam Evans

Address: 7414 SE 18<sup>th</sup> Avenue  
Portland, OR 97202

Residence: Portland, Oregon

Citizenship: USA

Inventor: William D. Henner

Address: 1050 <sup>95</sup>Corralan Avenue  
Apt. 210  
Burlingame, CA 94010

WDH

Residence: Burlingame, California

Citizenship: USA

Title of Invention: **HER-2 BINDING ANTAGONISTS**

Serial No.: 09/506,079, filed on February 16, 2000

( ) There are no earlier-filed United States Patent Applications of which priority benefit is claimed.

(X) We hereby claim the benefit under 35 U.S.C. §120 of the United States Patent Application listed below, and, insofar as the subject matter of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the filing date of this application:

USSN:	Filed:	Status:
09/234,208	January 20, 1999	Pending

## **POWER OF ATTORNEY**

The power to prosecute this application and transact all business in the Patent and Trademark Office connected herewith is hereby granted to the following attorneys:

Vita G. Conforti, Reg. No. 39,639  
Barry L. Davison, Reg. No. 47,309

Please send all correspondence to:

Barry L. Davison  
Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, Washington 98101-1688  
Telephone: (206) 628-7621  
Facsimile: (206) 628-7699

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signatures of Inventors:

Date signed:

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Gail M. Clinton

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Adam Evans



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William D. Henner

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*April 2, 2001*



Docket No. 49321-16

## DECLARATION AND POWER OF ATTORNEY

As the below-named inventors, we declare that we are the original, first, and joint inventors of the subject matter which is claimed in the specification identified below and for which a patent is sought on the invention as titled therein. We hereby state that we have reviewed the contents of said specification, including the claims. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56.

Inventor: Gail M. Clinton

Address: 3040 SW Beaverton Avenue  
Portland, OR 97201

Residence: Portland, Oregon

Citizenship: USA

Inventor: Adam Evans

Address: 7414 SE 18<sup>th</sup> Avenue  
Portland, OR 97202

Residence: Portland, Oregon

Citizenship: USA

Inventor: William D. Henner

Address: 1050 Coralan Avenue  
Apt. 210  
Burlingame, CA 94010

Residence: Burlingame, California

Citizenship: USA

Title of Invention: **HER-2 BINDING ANTAGONISTS**

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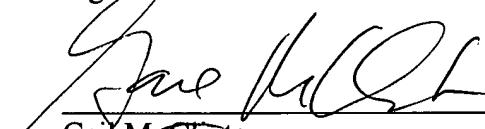
Vita G. Conforti, Reg. No. 39,639  
Barry L. Davison, Reg. No. 47,309

Please send all correspondence to:

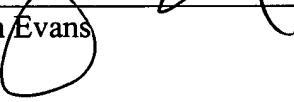
Barry L. Davison  
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2600 Century Square  
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Telephone: (206) 628-7621  
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Signatures of Inventors:



Gail M. Clinton



Adam Evans

William D. Henner

Date signed:

04/06/01

4/6/01